

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Filed 21 May 2008

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

LUTZ HEUER, PETER WACHTLER,
MICHAEL SCHWAMBORN, MARTIN KUGLER,
and HANS-ULRICH BUSCHHAUS,
Senior Party
(U.S. Application 08/888,609),

v.

MARK DANIEL McDADE
Junior Party
(U.S. Patent 5,874,456).

Patent Interference No. 105,609 (MPT)
(Technology Center 1600)

Before LEE, MEDLEY, and TIERNEY, *Administrative Patent Judges*.
TIERNEY, *Administrative Patent Judge*.

Judgment – Bd.R. 127

Junior Party Heuer has abandoned the contest and requests adverse judgment
with respect to the subject matter of the count. (Paper 20).

1 It is:

2 **Ordered** that judgment be entered against Heuer for Count 1, the sole
3 count in interference (Paper 1, p. 4).

4 **Further Ordered** that claims 12 and 16 of Heuer's involved
5 application, U.S. Application 08/888,609, are FINALLY REFUSED, 35 U.S.C.
6 §135(a).

7 **Further Ordered** that a copy of this judgment be entered in the
8 administrative records of the involved McDade U.S. Patent 5,874,456 and Heuer
9 U.S. Application 08/888,609.

10
11 /Jameson Lee/)
12 JAMESON LEE)
13 Administrative Patent Judge)

14)
15)
16 /Sally C. Medley/) BOARD OF PATENT
17 SALLY C. MEDLEY) APPEALS AND
18 Administrative Patent Judge) INTERFERENCES

19)
20)
21 /Michael P. Tierney/)
22 MICHAEL P. TIERNEY)
23 Administrative Patent Judge)
24

1 cc (via electronic filing):
2
3 Attorney for Heuer:
4
5 Kurt G. Briscoe, Esq.
6 NORRIS McLAUGHLIN & MARCUS
7 875 Third Avenue, 18th Floor
8 New York, N.Y. 10022
9
10 Tel: 212-808-0700
11 Email: kgbriscoe@nmmlaw.com
12
13
14 Attorney for McDade:
15
16 Herbert H. Mintz, Esq.
17 FINNEGAN, HENDERSON, FARABOW,
18 GARRETT & DUNNER LLP
19 901 New York Avenue, N.W.
20 Washington, D.C. 20001-4413
21
22 Tel: 202-408-4413
23 Email: herbert.mintz@finnegan.com
24